

## **REMARKS**

### **Information Disclosure Statement**

The Office Action at page 2, paragraph 1 states that the information disclosure statement “fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.” Applicant respectfully submits that pursuant to 37 C.F.R. §1.98(d), copies of the listed documents were not provided as these references were previously cited by or submitted to the U.S. Patent Office in connection with Applicants' prior U.S. application, Serial No. 09/549,041, filed on April 13, 2000, which is relied upon for an earlier filing date under 35 U.S.C. §120. Furthermore, Applicant respectfully submits that USPTO Form 1449 for the instant application was initialed and returned by the examiner.

### **Specification**

Applicant respectfully submits that it is unclear what portion of the “Cross-reference to related applications” section in the disclosure requires updating as indicated in the Office Action. Furthermore, Applicant respectfully submits that the independent claims have been amended to include “eXtensible Markup Language” in accordance with the instructions in the Office Action. Therefore, Applicant respectfully requests removal of the objection to the specification.

**Summary**

Claims 1-13 stand in this application. Claims 1, 7 and 12 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 7 and 12 in order to facilitate prosecution on the merits.

**35 U.S.C. § 112**

Claim 12 has been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant respectfully traverses the rejection based on the above amendments. These claims have been amended in accordance with the Office Action, and removal of this rejection is respectfully requested. Applicant further submits that the above amendments are made to overcome a § 112 rejection and are not made to overcome the cited references.

**Double Patenting**

Claims 1-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-4 of United States Patent Number (USPN) 6,732,175. A terminal disclaimer has been filed herewith, and removal of this rejection is respectfully requested.

**35 U.S.C. § 102**

At page 3, paragraph 6 of the Office Action claims 1-13 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Number (USPN) 7,020,681 to Ayyagari et al. (“Ayyagari”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Ayyagari fails to teach each and every element recited in claims 1-13 and thus they define over Ayyagari. For example, with respect to claim 1, Ayyagari fails to teach, among other things, the following language:

the network apparatus adapted to switch the message to an output port or to a selected processing node based upon business transaction information provided in XML in the message if the message includes XML information.

According the Office Action, this language is disclosed by Ayyagari at column 1, lines 40-45 and column 4, lines 2-10. Applicant respectfully disagrees.

Applicant respectfully submits that Ayyagari fails to teach, suggest or disclose the missing language. Ayyagari at the given cite, in relevant part, states:

The proxy server is adapted to receive a document request in the form of a uniform resource locator (URL) from a client computer, to forward the request to a designated remote server based on the URL, to receive the requested document from the remote server, and to determine whether the document is an unprocessed XML document. If the document is an unprocessed XML document, the proxy server is further adapted to search a local cache for a processed version of the document and to transmit the processed document to the requesting client.

In contrast, the claimed subject matter teaches “the network apparatus adapted to switch the message to an output port or to a selected processing node based upon business transaction information provided in XML in the message if the message includes XML information.” Applicant respectfully submits that this is different than the above recited teaching of Ayyagari.

Applicant respectfully submits that Ayyagari, arguably, teaches forwarding a request from a proxy to a remote server based on the URL in the received document request. In contrast, claim 1 recites “the network apparatus adapted to switch the message to an output port or to a selected processing node based upon business transaction information provided in XML in the message.” Applicant respectfully submits that forwarding a document request based on the URL of the request, as taught by Ayyagari, and switching a message “based upon business transaction information provided in XML in the message,” as recited in claim 1, are clearly different.

Consequently, Applicant respectfully submits that Ayyagari fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-6, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Ayyagari.

Claim 7 recites features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claim 7 is not anticipated and is patentable over Ayyagari for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 7.

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TC/A.U. 2143

Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 8-13 that depend from claim 7, and therefore contain additional features that further distinguish these claims from Ayyagari.

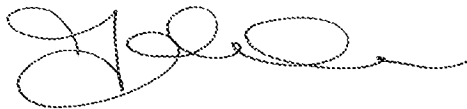
Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-13 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



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John F. Kacvinsky, Reg. No. 40,040  
Under 37 CFR 1.34(a)

Dated: April 26, 2007  
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